

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE:

WANDA RENEE TYREE,

Debtor.

WANDA RENEE TYREE,

Movant,

vs.

**GABRIEL GUZMAN and HAIT &
EICHELZER,**

Respondents.

CASE NO.: 10-68797-MHM

**2nd AMENDED RESPONSE TO MOVANT'S MOTION FOR CONTEMPT FOR
FAILURE TO COMPLY WITH THE ORDER ENTERED ON SEPTEMBER 27,
2010 AND RESPONDENTS' MOTION FOR ATTORNEY'S FEES AND
SANCTIONS**

1

Pursuant to court's direction, attached is the affidavit of P. Kent Eichelzer, III,

Esq..

Respectfully submitted,

HAIT & EICHELZER

By: /s/

P. Kent Eichelzer, III

GA Bar No.: 242315

Attorney for the Debtor

185 Stockwood Drive, Suite 100

Woodstock, Georgia 30188

770-517-0045

CERTIFICATE OF SERVICE

The undersigned verifies that on December 14, 2010 a copy of the foregoing document was deposited into the United States Mail, postage prepaid, to the following parties set forth below.

/s/ _____
P. Kent Eichelzer, III

Edwin K. Palmer
Chapter 7 Trustee
P.O. Box 1284
Decatur, GA 30031

ADAM D. HERRING
Georgia Bar No. 441119
31 Atlanta St.
Marietta, GA 30060

Wanda Renee Tyree
6605 Destiny Dr.
Mableton, GA 30126

Khristie L. Kelly
Law Office of Robert S. Toomey, PC
708 N. Tennessee St.
Cartersville, GA 30120

IN THE UNITED STATES BANKRUPTCY COURT

NORTHERN DISTRICT OF GEORGIA

ATLANTA DIVISION

IN RE:

WANDA RENEE TYREE,

CASE NO.: 10-68797-MHM

Debtor.

WANDA RENEE TYREE,

Movant,

vs.

**GABRIEL GUZMAN and HAIT &
EICHELZER,**

Respondents.

*
*
*
*
*
*
*
*
*
*
*
*
*

AFFIDAVIT

COMES NOW, P. Kent Eichelzer, III, Esq., having been duly sworn hereby testifies as follows:

1.

My name is P. Kent Eichelzer, III and I am over the age of eighteen and am otherwise competent to testify in the matter currently pending before the Court.

2.

On December 2, 2010, I sent a letter to Judge Murphy, attached to as "Exhibit A", regarding issues that were stated in court the previous day.

3.

The letter was to correct an error from the December 1, 2010 hearing. When I stated during the hearing that I reviewed the Motion for Contempt ("the Motion") on the 28th of October, I was mistaken. I did not receive and review the Motion until the


morning of the 29th of October. In addition, I wanted to apologize for misreading our Certificate Of Service of our response to the Motion. The Certificate of Service was signed on the 11th of November not the 1st of November. Therefore, the 11th of November is when we drafted the response to the Motion. We have since filed an amended itemization for our attorney's fees, including the dates said work was done. We hope this resolves any issue you may have had with our Response.

4.

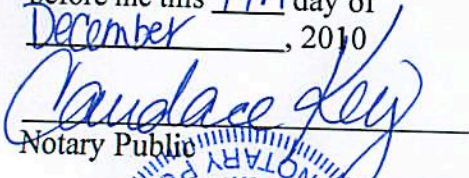
On, December 13, 2010, I received a letter from Judge Murphy's Law clerk, stating that my letter dated December 2, 2010 was not proper means of communicating with Judge Murphy and would not be shown as such. I was directed to file the appropriate motion or application with the bankruptcy court if I wished to communicate regarding this matter.

Further affiant sayeth not.

Dated this 14th day of Dec, 2010.


P. Kent Eichelzer, III, Esq., Affiant

Sworn to and subscribed
before me this 14th day of
December, 2010


Notary Public

